

Bills Committee on Electronic Health Record Sharing System Bill

**List of follow-up actions arising from the discussion
at the meeting on 5 May 2015**

The Administration was requested to -

- (a) in respect of the element of dishonesty under clauses 41(6)(b)(ii), (iii) and (iv), provide information about the offences in other ordinances which included dishonesty as an essential ingredient of the offence;
- (b) in respect of the expression "with a dishonest intent to deceive" in clause 41(6)(b)(ii), the drafting of which was modeled on section 161(1)(b) of the Crimes Ordinance (Cap. 200),
 - (i) consider revising the drafting of the clause, having regard to a member's view that reference to "dishonest" was redundant and should be deleted; and
 - (ii) advise whether there were any convicted cases whereby the defendant was charged with obtaining access to a computer with a dishonest intent to deceive, contrary to section 161(1)(b) of the Crimes Ordinance; and
- (c) clarify what would be regarded as causing "serious harm" under clause 46(8)(c), which exempted the application of clauses 46(1) to (6) to the use or provision of data and information contained in an electronic health record (or a copy of the data and information) of another person, not for gain, for the purpose of offering, or advertising the availability, of social and healthcare services that, if not provided, would be likely to cause serious harm to the physical or mental health of the individual to whom the services were intended to be provided or any other individual.